



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304796
Applicant Name: Lee Kirk for Calvary Christian Assembly and Kinder Kampus Child Care
Address of Proposal: 6801 Roosevelt Way NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of a 3,855 square foot portion of an existing institution (religious facility) to a child care center in a Single Family zone with no change to the existing parking.

The following approval is required:

Administrative Conditional Use Permit - to allow a child care center in a single family residential zone (Section 23.44.022 Seattle Municipal Code (SMC)).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

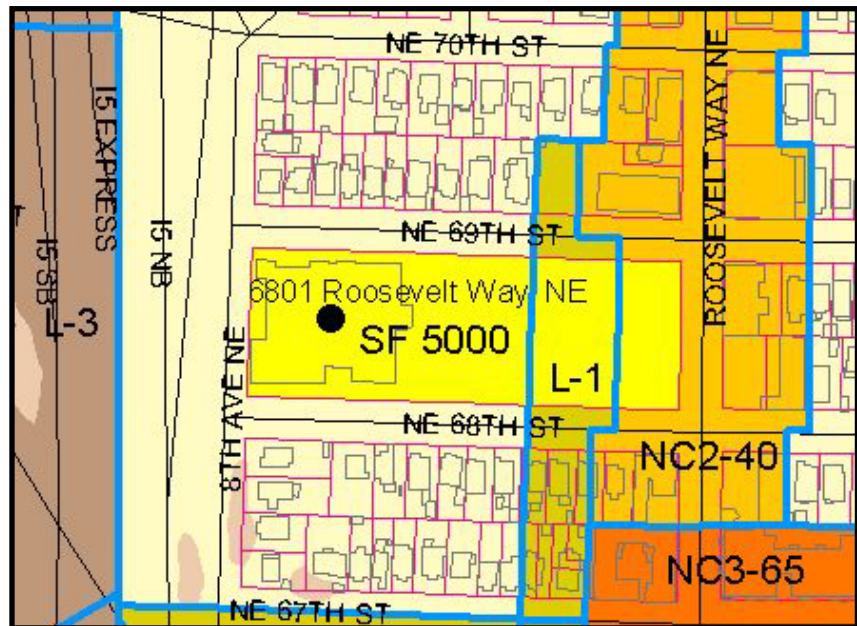
 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading, or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 123,000 square foot property is located near Interstate 5 between Roosevelt Way NE & 8th Ave NE and NE 69th and 70th Streets. The parcel is split zoned with Single Family 5000 (SF 5000), Lowrise 1 (L1), and Neighborhood Commercial 2 (NC2-40) moving from west to east respectively. The site is relatively flat, with some slope down from the northwest corner to the south west corner. The existing church (institution) is a substantial building in the North Seattle community, with a vibrant brick façade and recently updated landscaping. Vehicle access to the site is off of NE 68th and 69th Streets NE and Roosevelt Way NE.



Area Development

Development in the vicinity consists primarily of single family residences, some small scale multifamily structures, and some small scale commercial development abutting Roosevelt Way NE all consistent with the zoning. Green Lake Park (west) and Roosevelt High School (east) are in close proximity to the site.

Proposal Description

The applicant proposes to change the lower of the three existing floors to a child day care center for up to 100 children. Four curbside loading and unloading spaces will be provided, 185 existing parking spaces are not proposed to be altered. Hours of operation will be from 6:30 a.m. to 6:00 p.m. Monday through Friday. The institution would accommodate children up to five (5) years old. The different age groups (2 ½ yrs; 3 yrs; 3 ½; 4yrs; 4 ½ -5yrs) will be kept in different areas, with the 2 ½, 3, and 3 ½ year olds to be kept in separate rooms. The lower floor will have bathroom amenities, a multi-purpose room and available kitchen. Also, there is an unenclosed play area located on the south end of the building that is bound by a concrete wall which provides for some privacy and sound baffling.

Public Comment

The comment period for this proposal ended on October 1st, 2003. During the public comment period DPD received one written comment. The comment expressed support for the child care center contingent upon the child care center being operated in the same manner as it was previously.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.44.022)

Section 23.44.022A sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes child care centers.

Applicable criteria of Section 23.44.022 are discussed as follows:

B. Major Institutions. Existing major institutions and major institution uses within an existing Major Institution overlay district shall be permitted in accordance with the provisions of Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

The proposed child care center is not a major institution.

C. Public schools shall be permitted as regulated in Section 23.44.017.

The proposed child care center is not a public school.

D. General Provisions.

1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution master plan.

The proposed child care is located in an existing institution and no expansion of the structure is proposed. Although the structure is nonconforming with regard to the front setback (6.83'), the Land Use Code allows nonconforming structures to exist if changes to the structure do not increase the nonconformity (SMC 23.42.112).

2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

The child care center will be located in an existing institutional structure that is currently a church use and is not devoted to the care or instruction of children. The proposal does not constitute an expansion of the structure as all work will be done completely within the existing wall lines. No change in the façades or height of the building is proposed, all work is internal of the existing structure.

3. Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two- and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two- and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.

No expansion of an existing institution is proposed. There will be no increase in structure size or lot area.

4. *An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to major institution status.*

The structure is not expanding, although it is a non-conforming structure, the current single-family zone and non-conforming standards are adequate for this proposal.

E. Dispersion.

1. *The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone....*

The proposed child care center is to be located in a legally established institution and therefore this section is satisfied.

- F. Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

There are no residential structures located on the subject nor is there any residential structure part of the proposal.

- G. Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

The existing structure does not meet the ten foot side yard setback development standard set forth for institutions for the SF 5000 zone in which it is located. No structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet to the side lot line (SMC 23.44.022 -K2). The existing side yards are five (5) feet. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that that the reduced setback will not significantly increase impacts, including but not limited to noise, odor

and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

The church is permitted as an existing institution and the non-conforming side yard requirement sited above does not apply. The proposal is not converting a structure to an institutional use, but is rather changing a portion of an existing institution. The non-compliant side yard can be considered an existing non-conformity. Adherence to the conditions listed below under *H. Noise and Odors* to mitigate noise impacts on neighboring properties will be adequate. The child day care center is viewed as a demonstrable public benefit for the neighborhood.

H. Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, out-door recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

The applicant indicated on the application form that outdoor play time is scheduled during the day or mid-afternoon when weather permits. A more detailed schedule with limited hours shall be required. The child care center operates from 6:30 a.m. to 6:00 p.m. Monday through Friday, but all other activities besides the said outdoor play area occur indoors.

Some adverse noise impacts are expected to occur during outdoor play time. A concrete wall currently surrounds the play area and is adequate for noise control, contingent upon the hours of use for the play area being limited to respect the adjacent Single Family zone.

The Calvary Church will staff janitorial personnel responsible for proper disposal of trash. No adverse odor impacts are anticipated.

I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

The site is currently landscaped with trees, bushes, lawn, flowers, and bark. The landscaping has recently upgraded and approved under MUP No. 2105020 Permit No. 724004. Therefore, no further mitigation is required.

- J. *Light and Glare.* Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Nonreflective surfaces shall be used to help reduce glare.

The exterior lighting is existing and there is no newly proposed lighting. Lighting for the parking lot was upgraded when the parking lot was upgraded, all under 2105020 Permit No. 724004. The said lighting uses “cut off” fixtures so do not cause significant adverse impacts to adjacent residentially zoned lots.

- K. *Bulk and Siting.*

1. *Lot area.* If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:

The site is greater than one acre in size, although it shall be noted that the structure is not changing its bulk, facades or height.

2. *Yards.* Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.

Both side yards are less than the ten (10) feet required in Section 23.44.022-K2. The church is already permitted as an institution and this permit changes a portion of the use in an existing institution. As a result, the side setbacks are looked at as existing non-conformities and the requirement for ten (10) foot side yards is waived. The only probable impact that is anticipated from this proposal is noise level that will come from the outdoor play area located on the south end of the structure. As stated, there is an existing concrete wall that will provide a baffling effect, blocking noise associated with the children's play. Further conditioning the hours of use for the outdoor play area will provide sufficient mitigation for noise impacts of the proposal. The Calvary Church will staff janitorial personnel responsible for proper disposal of trash. No adverse odor impacts are anticipated.

3. *Institutions Located on Lots in More Than One (1) Zone Classification.*

The subject lot is a split zoned lot (SF 5000, L1, NC2-40), although the existing structure is located completely within the SF 5000 zone.

4. *Height Limit.* A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.

There is no proposed religious symbol for this project, therefore this section does not apply.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The church is an existing structure and was previously permitted as an institution prior to the subject of this proposal and no floor area or building expansion is proposed; therefore this section does not apply.

L. Parking and Loading Berth Requirements.

1. *Quantity and Location of Off-street Parking.*
 - a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*

The applicant/owner indicates that the child care center encourages its employees to carpool and use public transportation when possible to reduce the use of single occupancy vehicles. Public transportation is abundant along Roosevelt Way (abutting the subject property) and 65th Ave NE (< 1000' from the church).

- b. *Parking and loading shall be required as provided in Section 23.54.015.*

The applicant has indicated that there will be 10 employees for the day care center. For a child care center, the Land Use Code requires one space for each 10 children or each staff member, whichever is greater; plus 1 loading/unloading space for each 20 children. Thus, with 100 children proposed to be cared for, ten (10) off-street parking spaces will be required. Five (5) load/unload spaces will be provided on site in accordance with the land use code SMC Chart A 23.54.015. A total of fifteen (15) parking and loading spaces will be required and provided as result of the proposal.

- c. *The Director may modify the parking and loading requirements of Section 23.54.015, Required parking, and the requirements of Section 23.44.016, Parking location and access on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:*
 - i. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of*

residential structures, and reduction of noise, odor, light and glare; and

- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

The new child care use is a total of 3,855 sq ft and per SMC 23.44.022-M, transportation plans are only required for institutions proposing expansions which are larger than 4,000 sq. ft. or when the proposal is required to provide an additional twenty spaces. Regardless, no modification from the parking and loading requirements of SMC 23.54.015 is proposed.

In order to mitigate possible parking conflicts during peak load and unload times, the applicant proposes signs at each parking lot entrance to clearly state the uses that are permitted to park in the parking lot. The signs are proposed to read, “WEEKDAY PARKING IN THIS LOT IS RESTRICTED TO THOSE ATTENDING CALVARY CHRISTIAN ASSEMBLY CHURCH OR DAYCARE, AND AUTHORIZED PARK & RIDE COMMUTERS.” Also the applicant proposes to have signage at each loading/unloading stall. These signs are proposed to read, “DAYCARE LOADING ZONE ONLY MONDAY – FRIDAY / 6:30-9:30 am, 1:00-1:30 pm and 3:00-6:00 pm.” Further, signs designating the ten (10) required (non-loading/unloading) parking spaces should be clearly marked to make clear to Kinder Kampus Child Care users where designated parking is provided.

- 2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

The applicant has indicated that there will be 10 employees at the day care center. For a child care center, the Land Use Code requires one space for each 10 children or each staff member, whichever is greater; plus 1 loading/unloading space for each 20 children. Thus, with 100 children proposed to be cared for, ten (10) off-street parking spaces will be required. Five (5) load/unload spaces will be provided on site in accordance with the Land Use Code SMC Chart A 23.54.015. A total of fifteen (15) parking spaces will be required as result of the proposal. The existing 185 parking spaces associated with the church use will provide for a sufficient amount of parking for the proposed use. The required parking for the church during peak usage (Sundays only), is 177 stalls. The existing Metro Park & Ride which is used Monday through Friday requires 75 parking spaces. The Park & Ride parking requirement coupled with the new child care center requirement of 15 (5 unloading/loading) spaces and the weekday 16 spaces provided for church staff, yields a total requirement of 106 parking spaces. Therefore, the existing 185 parking spaces provided on site will meet the Land Use Code requirements. Additional short-term traffic demands associated with peak load/unload periods would not create any unsafe conditions or adversely impact local neighborhood circulation.

- 3. Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

The proposal does not propose any change in floor area and the structure is already permitted as an institution, so loading berth requirements do not apply to the proposal.

- M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.*

The child care center is less than 4,000 sq. ft. and no new parking spaces are proposed, so a transportation plan will not be required for this proposal.

- N. Development Standards for Existing Institutes for Advanced Study.*

The child care center is not an institute for advanced study.

Administrative Conditional Use General Provisions (SMC 23.44.018)

- A. Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.*

The Department recognizes the public benefit achieved by accommodating institutions such as child care centers in Single Family zones. The Land Use Code, as an enunciation of City policy, allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. The proposed facility, as conditioned by the Department, is identified as a conditional use which can be authorized in a Single Family zone.

- B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.*

The subject proposal meets all of the development standards or allowable exceptions permitted through SMC 23.44.022 (Institutions) or SMC 23.42.112 (Non-conforming to development standards).

- C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposal, as discussed under SMC 23.44.022, meets the criteria for establishing a specific conditional use and has been conditioned such that the potential negative impacts will be substantially mitigated.

- D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The conditions which mitigate the potential adverse impacts of this use will require maintenance of the landscaping, conditioning the hours of use for the outdoor play area, and the dissemination of a map of parking available to Kinder Kampus Child Care should be created and provided to parents to help them better identify parking areas and restrictions in the immediate vicinity. These conditions combine to provide reasonable mitigation for the proposed child care center and are authorized by this provision.

Conclusion

Based on the above analysis and review, the determination is that the proposed action satisfies all the relevant requirements of 23.44.018 and 23.44.022 governing administrative conditional uses in Single Family zones. It is the Director's determination that the proposal, as conditioned, would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Issuance of Master Use Permit

The owners and/or responsible party(s) shall:

1. Submit plans for review by the Land Use Planner for the two (2) types of parking signs to be located on site as discussed on page ten (10) of this document (analysis of SMC 23.44.022-L1c (ii)). Also, proposed sign language and parking space locations of the ten (10) required parking spaces for the child care center shall be submitted for review by the Land Use Planner and shown on the site plan. The submitted plans for the three (3) types of signs shall show the following: sign height, width, dimensions, color, location on lot and directional orientation of the signs. After approval from the Land Use Planner the signs shall be added to the MUP plan sets and the associated building permit plan sets.

Permanent for the Life of the Project

The owners and/or responsible party(s) shall:

2. A map of parking available to Kinder Kampus Child Care shall be created and provided to parents to help them better identify parking areas and restrictions in the immediate vicinity. This map of parking shall be submitted for review by the Land Use Planner.
3. The owners and/or responsible party(s) shall limit the hours of the specified playground from 10 am to closing.

4. Maintain the landscaping under the approved plan, MUP No. 2105020 Permit No. 724004.

Compliance with conditions 1 and 2 must be verified and approved by the Land Use Planner assigned to this project Lucas DeHerrera, telephone 206.684.8269 or by the Supervising Land Use Planner for the area where the project is located (Cheryl Waldman telephone: 206.233.3861). Compliance shall be at the specified development stage, as required in the Director's decision. An appointment shall be made with the assigned Land Use Planner at least three (3) working days in advance of a final inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: December 25, 2003
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

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